

Worksession

Agenda Item #	
Meeting Date	25 October 2004
Prepared By	Sara Anne Daines ECD Director
Approved By	Barbara B. Matthews City Manager

Discussion Item	Discussion regrading revisions to City Code Chapter 6 Housing to address provision of air conditioning in rental units
Background	<p>On September 20, 2004, the Council met with Montgomery County Code Enforcement Staff to discuss its ongoing concerns regarding the enforcement of certain sections of the property maintenance code which may restrict the use of individual window air-conditioning units in local rental properties.</p> <p>The current code, temporarily suspended with the adoption of Ordinance #2004-26, requires that “(e)ach individual room air-conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle.” The Council has expressed an interest in amending the current provisions of the property maintenance code to require a minimum of one such receptacle for this purpose in each unit, regardless of the presence of an air-conditioning unit. Language supported by the Council which would address this higher standard is included with this memorandum. The County has indicated that it does not support the proposal endorsed by the Council.</p> <p>City Staff has revisited the options available under Chapter 6 Housing and encourages the Council to consider, in lieu of a revision of the Property Maintenance Code, an expansion of the obligations of the Landlord and lease requirements as set forth in Article 4 Landlord-Tenant Relations. As proposed, the Article would be amended to require the landlord to maintain air-conditioning in units where the AC unit(s) had been provided by the landlord or the tenant had been allowed to install and operate their own individual window units. It is further proposed that the section on lease requirements be expanded to include language which would indicate whether air conditioning was provided in the rental unit, how it would be provided, and if so, if there was a cost for the service. Adoption of the proposed language would prevent the landlord from removing existing air-conditioning units as a means of abating a violation of the property maintenance code and provide the Landlord Tenant Office with the means of ensuring compliance. Language proposed by Staff under this option is included with this memorandum.</p> <p>Either option would require a two reading ordinance amending the City Code. The first reading of the selected amendment is tentatively scheduled for November 8. The second reading would be held on November 22.</p>

Policy	To enforce minimum standards of health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy of rental housing residences.
Fiscal Impact	Not Applicable.
Attachments	Proposed Ordinance Amendments - Draft October 25, 2004
Recommendation	To forward Option B on for consideration November 8.
Special Consideration	

PROPOSED AMENDMENTS

CHAPTER 6 HOUSING CODE

Draft - October 25, 2004

The following amendments are proposed as a means of addressing the Council's concerns regarding the loss of air conditioning for local tenants resulting from the enforcement of Section 26-6(a)(6) of the Property Maintenance Code.

Option A

New Section (Section 6-307)

"At least one habitable sleeping room must be served by not less than one dedicated 20-amp circuit using No 12 copper wire which terminates in a single receptacle. Said receptacle shall be located so as to allow for the installation of an individual window air conditioning unit in the room. The installation of such unit cannot block any window used as a secondary means of egress."

Option B

Obligations of Landlord (Section 6-404)

All Landlords shall:

"Provide, under the same terms and conditions, air-conditioning in rental units where tenants have previously been provided air-conditioning."

"Allow tenants to install and use air-conditioning units in rental units where the lease is silent regarding the installation, provision, or use of air conditioning or the lease expressly authorizes tenants to install and use air-conditioning units. "

Lease Requirements (Sec. 6-405)

All leases shall:

o. "Give notice to the tenant of the right to have air conditioning if air conditioning was previously available to tenants of the rental unit under the same terms and conditions, except for a reasonable increase in fees consistent with Department regulations, as the previous tenants."

p. "State whether air conditioning is available for the rental unit and, if air conditioning is available for the rental unit, state whether the landlord or tenant will provide and maintain the air conditioning unit(s), the number and location of permitted air conditioning units, and the fees, if any, associated with the provision of air conditioning. If a lease does not include the information required by this paragraph, then the tenant shall have the right to install a window air

conditioning units in each sleeping room unless such installation would constitute a violation of any other law, and the landlord shall be responsible for the cost of installing any electrical upgrades necessary to allow use of such air conditioning units in a manner that is in compliance with the Property Maintenance Code.”